

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: L. Nguyen
KAZUHIRO MATSUBAYASHI)	
	:	Group Art Unit: 2174
Application No.: 10/726,709)	
	:	Confirmation No. 7048
Filed: December 4, 2003)	
	:	
For: SWITCHING DISPLAY OF)	
DIGITAL BROADCAST DATA	:	
IN A MARKUP LANGUAGE)	January 14, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-145

PETITION TO WITHDRAW ABANDONMENT
DUE TO NON-RECEIPT OF OFFICE ACTION
AND
REQUEST FOR RE-MAILING OF OFFICE ACTION

Sir:

Applicant has received a Notice of Abandonment dated November 14, 2008 indicating that the above application became abandoned because no response has been filed to an Office Action allegedly mailed by the Patent Office on April 21, 2008. For the reasons that follow, Applicant requests that the Notice of Abandonment be withdrawn and that the Office Action be re-mailed.

The Notice indicates that an Office Action was mailed by the Office on April 21, 2008. However, the foregoing Office Action was not received by Applicant's attorneys. As per Applicant's attorneys usual firm procedure for Patent Office correspondence in which a response is due, had the Office Action been received, it would

have been docketed on the firm's Master Docket computer program with a response due date of July 21, 2008, as well as in the firm's Master Docket book with a six month final due date of October 21, 2008. The firm's Master Docket computer program is part of a computer program supplied by Computer Patent Annuities (CPA) and in particular, the firm utilizes CPA's CPA Inprotech program to manage its docket of due dates for Patent Office responses. This system was sufficiently reliable, and as evidence thereof, a copy of a printout for Applicant's attorneys' Master Docket program for July 21, 2008, where a three-month response to the Office Action would have been entered had the Office Action been received, is attached herewith. See MPEP 711.03(c)(I)(A). Also attached is a photocopy of the firm's Master Docket book for October 21, 2008 where the six month final due date would have been entered for the April 21, 2008 Office Action if it would have been received.

In view of the foregoing, Applicant requests that the holding of abandonment be withdrawn and that the April 21, 2008 Office Action be re-mailed. While it is believed that no fee is necessary for this Petition, should a fee be required, the Director is hereby authorized to charge any such fee to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Edward Kmett/

Edward A. Kmett
Attorney for Applicant
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 2773285v1

MASTER DOCKET - From 071608 to 080508

Print : 7/9/2008 2:41:11 P

Page 55

Due Date	Docket Number	Attorney	Action	Application No
7/27/2008	03500-017003-1	Handwritten: <i>Handwritten</i>	3 month Office Action initial-deadline	Handwritten: <i>Handwritten</i>
Remarks	NATL PHASE OF PCT/JP03/00348 FILED 01/703; IPT 012508 - Inquire re: Amend; IPT 012508 - disregard or transmission;			
7/27/2008	03292-101090-33	Bershadsky, Jonathan	Notice To File Corrected App Papers Due	12/11/4402
Remarks				
7/27/2008	03500-017001-1	Cire, Frank L.	FINAL 3 month Office Action-2 month extension	11/10/577
Remarks	1.53B DIV - PAR TO ISSUE;			
7/27/2008	03500-017105-1	Cire, Frank L.	3 month Office Action-1 month extension	10/383622
Remarks	FLOPPY RECD W/APPLN; IPT 062308 - INSTR;			
7/29/2008	03500-017641-1	Cire, Frank L.	Notice To File Corrected App Papers Due	12/105183
Remarks				
7/29/2008	03500-017642	Cire, Frank L.	FINAL 3 month Office Action-1 month extension	10/679335
Remarks	FLOPPY RECD W/APPLN; IPT 061908 - RCE W/AMEND;			
7/29/2008	03500-100131-1	Cire, Frank L.	3 month Office Action-1 month extension	10/784990
Remarks	FLOPPY RECD W/APPLN; IPT 062308 - INSTR;			
7/29/2008	03500-520816	Delucia, Frank A.	3 month Office Action 2 month extension	10/36517
Remarks	Floppy recd w/appln;			

MASTER DOCKET - From 071608 to 080508

Print: 7/9/2008 2:41:11 P

Page 56

Due Date	Docket Number	Attorney	Action	Application No
7/21/2008	03500.017343 03500.017343	Diana, Leonard P.	FINAL 3 month Office Action 1 month extension	10/764579
Remarks	FLOPPY RCD W/APPLN;			
7/21/2008	03500.017343 03500.017343	Diana, Leonard P.	3 month Office Action 1 month extension	10/601679
Remarks	FD RECD W/APPLN; IPT 062308 - INSTR;			
7/21/2008	03500.017343 03500.017343	Diana, Leonard P.	3 month Office Action 1 month extension	10/579515
Remarks	IPT 012808 - NO DIV; IPT 062008 - INSTR;			
7/21/2008	03560.115062 03560.115062	Diana, Leonard P.	Critique Due	
Remarks				
7/21/2008	03592.102600 03592.102600	Diperna, Raymond	Notice to file Missing Parts initial deadline	12/109926
Remarks	(LSV) decl w/surcharge due;			
7/21/2008	03684.1150270 03684.1150270	Glueck, Daniel S.	IDS Due ± 1 Month	11/965200
Remarks	ids recd w/appln;			
7/21/2008	03560.016103 03560.016103	Glueck, Daniel S.	3 month Office Action initial deadline	10/042231
Remarks	FLOPPY & IDS RCD W/APPLN; 1ST RCE FILED 012105;			
7/21/2008	035500.1114909 035500.1114909	Glueck, Daniel S.	Priority documents still required	12/106727
Remarks	decl w/surcharge due; IPT 043008/070708 - re: ids;			

MASTER DOCKET - From 071608 to 080508

Print : 7/9/2008 2:41:11 P

Page 57

Due Date	Docket Number	Attorney	Action	Application No
7/24/2008	03292.101270.1	<i>Amend by 40 we lvs 7/2/11g</i> Heckenberg, Jr, Donald H.	3 month Office Action initial deadline	1078462
Remarks	<i>M. Lee sent + 8.67</i>			
7/24/2008	03762.011500.1	Holowacz, Elizabeth F.	Next renewal date	08372814
Remarks	<i>see above</i>			
7/24/2008	03762.011500.1	Holowacz, Elizabeth F.	Tax 11.5	08377814
Remarks	<i>Amend by 40 we lvs 7/2/11g</i>			
7/24/2008	00862.022599	Kmetz, Edward A.	3 month Office Action initial deadline	10757841
Remarks	<i>Amend. MF filed 6/20/08</i>			
7/24/2008	00862.023608	Kmetz, Edward A.	FINAL 3 month Office Action initial deadline	10860126
Remarks	# FLOPPY & AIDS RCD W/APLN; amend at filed 062008;			
7/27/2008	00684.153697	Krause, John A.	Notice to File Missing Parts initial deadline	12112832
Remarks	<i>Decl w/surcharge due; IPT 052708 - DECL;</i>			
7/27/2008	03500.135698	Krause, John A.	FINAL 3 month Office Action initial deadline	11533401
Remarks	<i>Amend by 40 we lvs 7/2/11g</i>			
7/27/2008	00169.121360	Malpede, Scott D.	3 month Office Action initial deadline	11156626
Remarks	IPT 040108 - File IDS; IPT 070708 - INSTR;			

MASTER DOCKET - From 071608 to 080508

Due Date	Docket Number	Attorney	Action	Application No	Page 58
7/21/2008	00862-023406	Malpede, Scott D.	Priority documents still required	107/60318	
Remarks	FLOPPY RCD W/APLN; FEDX 082604 - 2 PDOCS				
7/21/2008	00862-109688	Malpede, Scott D.	3 month Office Action initial deadline	144/38966	
Remarks	Floppy & ids rcd w/apln;				
7/21/2008	02910.000130	Malpede, Scott D.	3 month Office Action 2 month extension	107/44483	
Remarks	DHL 072604 - 2 PDOCS;				
7/21/2008	02910.153482	Malpede, Scott D.	Priority documents still required	121/06713	
Remarks					
7/21/2008	03500.015419	Malpede, Scott D.	3 month Office Action initial deadline	09/873250	
Remarks	FLOPPY RECD W/APLN;				
7/21/2008	03500.017938	Malpede, Scott D.	Drawings Correction Due	107/90738	
Remarks	(PPH) FLOPPY RCD W/APLN; IPT 062607 - Letter re: Translated refs; 2 1.53b divs filed 030508; IPT 052008 - INSTR;				
7/21/2008	03500.017938	Malpede, Scott D.	3 month Office Action 2 month extension	107/90738	
Remarks	(PPH) FLOPPY RCD W/APLN; IPT 062607 - Letter re: Translated refs; 2 1.53b divs filed 030508; IPT 052008 - INSTR;				
7/21/2008	00025.015800	Manley, Raymond R.	Priority documents still required	102/76623	
Remarks					

NI-8.2.21.08

207/15-100

Pub by 4/5/08 7/12/11/08

See below.

Ex. to 8/8/11/08 in 50M/DE 7/31/10

IP 1 9/12/11 - 1-530

MASTER DOCKET - From 071608 to 080508

Print : 7/9/2008 2:41:11 P Page 59

Due Date	Docket Number	Attorney	Action	Application No
7/21/2008	01702-404100.	Manda, Raymond R.	Power of attorney due to be filed	12/094448
7/21/2008	02043-000008.	Manda, Raymond R.	Next renewal date.	08/469112
Remarks	CLI HNDLS M-FEES PER RRM 072104; Country of Origin - USA Last Update - 10-25-2004			
7/21/2008	02280-003950.PC	Manda, Raymond R.	Rec'd copy of published patent specification - R PCT/US07/08360	
Remarks	Notification of the international application number and of the international filing date dated 6/13/07, docketing received 6/20/07; Notification of withdrawal of international application or designations dated 8/29/07, docketing received 9/13/07;			
7/21/2008	02280-003951.PC	Manda, Raymond R.	Rec'd copy of published patent specification - R PCT/US07/71750	
Remarks	Notification concerning availability of the publication of the international application dated 12/27/07, docketing received 1/16/08;			
7/21/2008	02911-004900.	Manda, Raymond R.	FINAL 3 month Office Action initial deadline	11/078300
Remarks	BASED ON PVL APPLN) (NO DWGS)			
7/21/2008	02280-003970.PC	Mec, Wendan S.	Rec'd copy of published patent specification - R PCT/US07/71751	
Remarks	Notification concerning availability of the publication of the international application dated 12/27/07, docketing received 1/16/08; Notification concerning availability of the publication of the international application dated 2/14/08, docketing received 3/1/08;			
7/21/2008	01997-094900.	Molenda, Victoria S.	3 month Office Action initial deadline	11/109157
Remarks	(RRM) (BASED ON PVL APPLN) (COMB W/1997.30500)			

MASTER DOCKET - From 071608 to 080508

Print: 7/9/2008 2:41:11 P	Due Date	Docket Number	Attorney	Action	Application No	Page 60
7/21/2008	Remarks	01997-039301- (Copy M. Kamenevsky) (04-Apr-2008) (RRM)(BASED ON PVL APPLN)(RELATED TO 1997.39302)	<i>can do this</i> Melenda, Victoria S.	Drawings Connection Due	117555161	
7/21/2008	Remarks	01997-039301- (Copy M. Kamenevsky) (04-Apr-2008) (RRM)(BASED ON PVL APPLN)(RELATED TO 1997.39302)	<i>NI-80-20 8-21-08</i> Melenda, Victoria S.	3 month Office Action 2 month extension	117555161	
7/21/2008	Remarks	01997-043200-PC Melenda, Victoria S.	<i>Cost + 2x by 243 m 7/31/08</i> Melenda, Victoria S.	Rec'd copy of published patent specification - R US04/08833		
7/21/2008	Remarks	01997-043500- per JPP email 091905 - m-fees to be paid by others; per JPP email 100305 - we are to remind & pay m-fees;	<i>Rec'd + 2x by 243 m 7/31/08</i> Melenda, Victoria S.	3 month Office Action 2 month extension	107298380	
7/21/2008	Remarks	03670.002476- O'Neill, Michael K. REMINDER: FOREIGN FILING DUE BEFORE 112905; <i>NI-80-20 8-21-08</i>	<i>Rec'd + 2x by 243 m 7/31/08</i> O'Neill, Michael K.	Adv'ory with \$340.00 Extension of Time	11000151	
7/21/2008	Remarks	00040.031153- Perry, Lawrence S.	<i>NI-80-20 8-21-08</i> Perry, Lawrence S.	Appeal - 1 month extension	11426693	
7/21/2008	Remarks	02139-000032-1 Perry, Lawrence S. 1.53B CONT - PAR ABAND (NO DWGS); FAX 070108 - Send comments;	<i>fax 2/18 - 5:10 to 8-21-08</i> Perry, Lawrence S.	FINAL 3 month Office Action initial deadline	10410119	
7/21/2008	Remarks	01445-002060- Razzano, Pasquale A.	<i>Anti-MJF 5/5 7-3-08 on 6/4</i> Razzano, Pasquale A.	FINAL 3 month Office Action initial deadline	11724174	

MASTER DOCKET - From 071608 to 080508

Print : 7/9/2008 2:41:11 P

Page 62

Due Date	Docket Number	Attorney	Action	Application No
7/21/2008	03560.1396	<i>hnd h 562 ne DEU</i>	3 month Office Action initial deadline	11721673

7/21/2008 02280.003960.PC Vaidyan, Suja
Remarks Notification concerning availability of the publication of the international application dated 12/27/07, docketing received 1/16/08;
Notification concerning availability of the publication of the international application dated 27/08, docketing received 2/22/08;

7/21/2008 00684.140913. Wapinsky, William M.
Remarks decl w/surcharge due; IPT 050708 - DECL; Priority documents still required 12/106692

7/21/2008 03585.000101. Wapinsky, William M.
Remarks (ASSIGNEE-CANON FINETECH INC.) FLOPPY RCD W/APLN; PTA=556; FAX 070508 - PAY FEE; Priority documents still required 11/083933

7/21/2008 00862.102553.2 Warner, Susan E.
Remarks 3 month Office Action 2 month extension 11/735036

7/24/2008 00862.023505. Williamson, Mark A.
Remarks FLOPPY RCD W/APLN; Appeal-1 month extension 10/800662

7/21/2008 00862.103364. Williamson, Mark A.
Remarks FLOPPY RCD W/APLN; PTA=739; Priority documents still required 10/944761

7/21/2008 00862.135112. Williamson, Mark A.
Remarks Issued with application, PTA=208; IPT 052108 - PAY FEE; *Not yet taken + Comments on Allowance + Start of interview by ESO on 7/21/08*

Allowed 7-18-08

PTA 511, claim 1 per changes due

on 7/21/08

MASTER DOCKET - From 071608 to 080508

Print: 7/9/2008 2:41:11 P

Page 63

Due Date	Docket Number	Attorney	Action	Application No
7/21/2008	00025 004600	Zupic, Anthony M.	Priority documents still required	08/347210
Remarks	(NNK/LSP) FWC OF 07/839785 OF 08/04 1092; PROS SUSPENDED 112398 Country of Origin - UNIKN Last Update - 09-28-2004			

— — — — —

[illegible]